Powell.

INTERIM REPORT ON THE

ACTIVITIES

OF THE

OFFICE OF THE PUBLIC COMPLAINTS COMMISSIONER

FROM

July 23, 1981 to December 20, 1981

THE OFFICE OF
THE PUBLIC COMPLAINTS COMMISSIONER

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Municipal Reference

November, 1982.

The Honourable R. Roy McMurtry, Q.C.,
Attorney General for Ontario,
18th Floor, 18 King Street East,
TORONTO, Ontario.
M5C 1C5

Dear Mr. Attorney:

This interim report covers the initial period of operation of my office, namely July 23, 1981, the date of my appointment, to December 21, 1981, the date that the Metropolitan Police Force Complaints Project Act, 1981, was proclaimed in force.

The report describes the organizational steps taken during this informal period and our early experience with the monitoring of complaint handling and the review of actual complaints. The period was relatively brief and the legislation was not yet formally in place so no definitive conclusions can be drawn. I believe, however, that significant progress was made and I have attempted to record it in this report.

An Annual Report covering our first year of formal operation will be forthcoming next year and it will provide a more comprehensive analysis of the pilot project and the experience gained.

Respectfully submitted,

SIDNEY B. LINDEN, Q.C.
Public Complaints Commissioner.

SBL/kc

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I

BACKGROUND OF LEGISLATION

Why new complaints procedure was necessary:

The procedure for dealing with complaints by citizens against members of the Metropolitan Toronto Police Force has been the object of criticism for years. Until the establishment of the project, a citizen had to make his complaint to a police officer, had no knowledge of the extent of the investigation done by the police, and was advised orally or by form letter only of the decision of the Chief of Police with respect to his complaint. Generally, the complainant was given no explanation of how the decision was reached. Civic and community leaders joined with members of the Bar, civil rights groups and many police officers in pointing out the need to change a system that was perceived to be closed and unfair. Leaders of minority groups, in particular, were concerned that their members had much to fear from police and were reluctant to make complaints to the police themselves.

Many studies were ordered and conducted over the years with a view to finding a possible solution. The Maloney Study (1975), the Morand Report (1976), the Pitman Task Force (1977) and Cardinal Carter's Report (1979), all recommended greater civilian participation in the complaints process. The then Solicitor General, R. Roy McMurtry, Q.C., introduced a new Bill

declaring the formation of a new and experimental police complaints system for Metropolitan Toronto on May 15, 1981. The new system allows complainants to make their complaints initially to a civilian agency - The Office of the Public Complaints Commissioner - and ensures that complainants are provided with regular, written investigative reports. The complainant also has an opportunity to ask for further investigation of his complaint by civilians and for a review of the whole procedure by a civilian who can order a public hearing of a complaint by a new, totally independent, civilian agency, - The Police Complaints Board.

Following second reading of the Bill on July 3, 1981, it went before the Legislature's Standing Committee on Justice for further study and amendment in the fall of 1981. Submissions by various interested parties were made at these public hearings over a period of four weeks.

Criticism of the Bill and Response:

Throughout these hearings, the major criticism of the Bill was that the police were still involved in the investigation process. The submission of the Canadian Civil Liberties Association, presented at the Justice Committee on September 22, 1981, by A. Alan Borovoy, summarizes this criticism in the following statement:

> "In our view, what it all comes down to is that a system essentially of internal investigation, even if monitored by external review, cannot adequately address the problem which has occasioned the impulse for reform, namely, the perception of bias. No matter how fair an internal investigation may be in fact, it is not likely to appear fair. From the standpoint of many members of the public, the investigation officials would continue to be vulnerable to the suspicion that they were covering up for their colleagues or fellow police officers."

The Minister's position in this regard was made clear in his opening remarks before the Justice Committee when he said:

> "We have designed a process which completely opens the civilian complaints sytem to public review, which requires the police force to respond properly and effectively to complaints of misconduct and which installs and creates independent civilians as the ultimate arbiters of acceptable police conduct. Yet, it still places on the members of the police force the basic responsibility to police themselves on a day-to-day basis, a responsibility which is consistent with the task delegated to them by our society. I would suggest that if we turn every complaint into an adversarial process between the police force and the individual, then we will only institutionalize confrontation when mediation and conciliation would often be more appropriate and certainly more in the public interest.
>
> I suggest, at the outset, that the philosophy of this Bill is consistent with every major report or study done in Canada and elsewhere with respect to the processing of civilian complaints against the police.....all recommending that the police should have the initial opportunity to resolve complaints."

There were a number of other criticisms of the proposed Act but these were mainly procedural in nature. As a result of

the Justice Committee hearings, a number of these procedural changes were made.

Significance of Pilot Project:

The preamble to the legislation reads:

> "...(this is) an Act for the establishment and conduct of a Project in the Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force".

This preamble is of critical importance in any effort to understand the general purpose of the legislation. Of particular note is the fact that this Office is involved in a "project", the main objective of which is to "improve methods of processing complaints". The experimental nature of this legislation is the foundation upon which the efforts of my Office must build. A new system is now in place but this new system is not to be viewed as final, but rather as the beginning of the solution.

Highlights of new procedure:

The legislation sets out a procedure which, as far as I am aware, is unique in many ways. Some of the highlights

of the new procedure are:

- A person can complain directly to my Office, which is a civilian agency, if they choose. The person can, of course, also complain directly to the police, as in the old system.

- The civilian agency is provided with a copy of a complaint made in the first instance to the police (and vice versa) forthwith. Both agencies are then aware of all complaints made at the same time.

- The complainant, the Police Officer concerned and my Office are advised, in writing, every 30 days, of all the investigative steps taken by the police together with a detailed report on everything that is uncovered by the police investigation, including the police officer's version of the incident.

- My Office can conduct its own civilian investigation 30 days after a complaint is made. In some situations, I can start my own investigation immediately.

- The decision made by the Chief of Police concerning disciplinary action against the officer, is based solely on the police investigation reports that are sent to my Office and to the complainant together with any investigation reports that are provided by my Office, thus ensuring that the basis for the Chief's decision is fully known to both the civilian agency and the complainant.

- The complainant has a right to appeal the decision of the Chief of Police by asking my Office to conduct a review of the Chief's decision.

- I, as an independent civilian, decide whether the action taken by the Chief of Police is appropriate in the interests of the public. I also decide whether the matter should proceed to a public hearing before an independent civilian board. This independent board - The Police Complaints Board - also has the power to impose penalties against officers who are found guilty of misconduct.

- All parties to a complaint have the right to appear at the Board hearing, with Counsel if they wish, to present evidence and to cross-examine witnesses.

II

THE INFORMAL PERIOD

Introduction:

The period between my appointment in July and proclamation of the Act in December was not without its problems and frustrations. However, our Office had an opportunity, during this informal period, to devise means and ways of dealing with problems that were unforeseeable by the legislators and to create a workable model for our pilot project. As a result, the systems, forms and procedures to implement this new Act were in place the day the Act was proclaimed.

Initial difficulties:

At the time of my appointment in July, 1981, the Bill had not yet been enacted and the Justice Committee had yet to deliberate on the legislation. However, the Attorney General stated that since there was an urgent need to respond to public concerns, the Office of the Public Complaints Commissioner was to be considered open for business from July 23, 1981, although on an informal basis. It was my view that we should not be directly involved in the public debate while the Bill was being deliberated by the Justice Committee. I am happy to report that the accomplishments of my Office in this informal period - although not what one could call, "front page news" - were extensive and,

I feel, very important.

Set-up of Office and hiring of Staff:

Since the Office of the Public Complaints Commissioner was to be open for business immediately, my view first concerns were those of staff and facilities. My own law office, in a downtown highrise, was used as temporary headquarters until we could be moved to more suitable premises. My Executive Assistant, Valerie Sharp, was initially responsible for all administrative matters. Mr. Edward R. Singleton was appointed Director of Investigations in the first week of August, 1981. In September, Stephen B. Ginsberg, was appointed Director of Administrative and Legal Services. One of his first tasks was to familiarize himself with the administrative procedures of the government and to prepare budgets for our forthcoming years of operation. As the number of cases increased, it was necessary to take on secretarial and clerical staff. Another investigator, Philomena Stanway, was hired in the fall and it became necessary to hire a third investigator, Steve Lechnowsky, before the end of 1981. Because of our increased staff and other administrative matters, Alice Murray was appointed as Office and Public Relations Manager early in the New Year.

Since our staff was rapidly outgrowing our available and limited office space, it was necessary for the administrative staff to devote some time to the matter of designing and planning facilities, in conjunction with the Ministry of Government Services. During the fall of 1981 it was decided that a new "street level" office would be prepared for us at 157 Bloor Street West. Immediately following the pre-proclamation period, administrative responsibility for the Office of the Public Complaints Commissioner was transferred from the Ministry of the Solicitor General to the Ministry of the Attorney General.

Negotiation and set-up of procedures:

Aside from the initial problems of staff and set-up, one of our most important tasks was to thoroughly understand the practice and policy of the police force's Public Complaints Investigation Bureau (formerly known as the Citizens' Complaints Bureau). Under the new legislation, this Bureau would continue to conduct the initial investigation of citizen complaints. Since we would be in almost daily contact with them, it was of paramount importance to establish open lines of communication. By agreement with Chief Ackroyd, our Office began receiving and thereby directly monitoring copies of all citizens' complaints on September 14, 1981 (we had been receiving copies of complaints made from the date of

my appointment but not on a regular basis). Any complaint made directly to our Office was forwarded to the Bureau, forthwith, as were complaints forwarded to us that were made initially to them.

We had several meetings with Chief Ackroyd, Staff Superintendent Jack Ward, Superintendent Bill Dickson and Staff Inspector Robert McBride. Superintendent Dickson had been in charge of the Public Complaints Investigation Bureau and Staff Inspector McBride assumed this role in December, 1981. They were extremely helpful and co-operative, thereby making a very difficult task much easier. It must be remembered that the Force's Bureau had been an integral part of their department for six years and they had developed their own systems and procedures. Any bureaucracy is, by its very nature, resistant to change - particularly, when the pressure for change comes from without - and I am conscious of the disruptive effect this new legislation has had on the Bureau. However, the senior officers of the Metropolitan Toronto Police Force and the men and women of the Bureau have amply demonstrated, by their efforts to implement the new procedures, their desire to improve the calibre of their Force and its relations with the community.

New forms and changes in procedures:

The police were fully co-operative in making the necessary changes and adjustments in their procedures in order to

comply with the requirements of the Act. Our offices worked together in designing the necessary forms required by the Act, on the assumption it would be passed. We designed the reporting forms and the investigative format for the police to use. The forms were immediately put into use and gradually, over the informal period, the police began to report to us and to the complainants, as the Act required, on forms designed in consultation. (Copies of the forms devised by our Office during the informal period are appended to this Interim Report).

We also felt that it was not only necessary but crucial to the success of our new procedure that the Bureau split its function into two separate and distinct areas - investigation and adjudication of complaints. The investigators with the Bureau had, over the years, developed the practice of deciding on the evidence, while conducting the investigation of a complaint, which, of course, hampered their objectivity. We were pleased to learn at one of our earliest meetings with Superintendent Dickson, that this split in functions was already taking place. Staff Inspector McBride was placed in charge of the investigative side of the Complaints Bureau, effective December 21, 1981 and Superintendent Dickson was appointed by the Chief of Police to be his designate as adjudicating officer. The Bureau investigators reported to and were directed by Staff Inspector McBride and the

results of their investigation in the form of a final report were turned over to Superintendent Dickson who made the decisions regarding disposition of the complaint on behalf of the Chief. (Under the new administrative procedures recommended in the Hickling-Johnston Report, the Bureau will report to one Deputy Chief and the decisions regarding disposition of complaints will be made by another Deputy Chief.)

Procedures in our Office:

The police were not alone in their efforts to devise procedures to comply with the new legislation. Our Office also had to devise forms and internal procedures for handling complaints from the time they were initially received to the time we were requested to conduct a review by a complainant after a decision on a request for review was made.

Requests for review:

Although a more detailed analysis of the complaints handled during this informal period will be given at Part V of this Interim Report, a few general comments on what we accomplished with respect to those complainants who requested a review may be in order. (It must be remembered that the Police Complaints Board had not been appointed and I could not order a public hearing after a review.) We were able,

on review, to resolve most complaints to the satisfaction of the complainant. Many requests for review were really requests for information which we were then able to obtain from the police, thereby satisfying the complainant.

We were left with several cases in which we felt some action should be taken. If these complaints had been made subsequent to proclamation, we may have ordered a Board hearing. However, because the initial complaints pre-date proclamation, these cases are still unresolved and under consideration at the time of writing this Interim Report. The eventual disposition of these cases will be included in our First Annual Report.

Publicity and promotion:

Aside from designing forms and procedures for the efficient operation of our system, we also found it necessary to write and design "promotional" material to be released after the Act was proclaimed so that the public would know who we were, where we were and what we did. The Ministry had an advertisement prepared that ran in a large number of ethnic community newspapers in the Toronto area on two occasions. (A copy of the ad is appended.) Our Office had a poster prepared from the advertisement that was distributed for display in police stations, legal aid clinics, libraries, etc. We also prepared the text of a pamphlet that was printed (also appended) and widely distributed

in the spring of 1982. This pamphlet includes the graphic logo designed for our Office which emphasizes the role of mediator that the Public Complaints Commissioner can play. In addition to preparing this written material, I attended several meetings of civic and community groups to explain our new system, spoke at meetings of various organizations and gave interviews to newspaper, radio and television reporters. As well, I and several members of my staff have met with various groups of police officers to assist them in understanding the Act.

III

OTHER MATTERS

Hold-Up Squad/C.I.R.P.A. allegations:

A number of specific allegations of police misconduct were made by members of a group known as C.I.R.P.A. (Citizens' Independent Review of Police Activities). Representatives of this group appeared before the Metropolitan Toronto Board of Commissioners of Police in the fall of 1981 and made a number of allegations regarding police misconduct. They asked that the Board of Commissioners investigate and deal with these matters. These complaints were put into the system and dealt with in the manner envisaged by the legislation.

In addition to the C.I.R.P.A. group of complaints, there were a number of specific complaints made by a group of criminal lawyers relating to alleged activities of the Hold-Up Squad. The Chief of Police responded to these allegations by appointing a special team of investigators headed by Staff Superintendent Jack Reid, who were directed to provide my Office with copies of their reports to the Chief. This was done in keeping with our agreement to operate as if the Bill were proclaimed, even though it was not. Staff Superintendent Reid did report to us regularly and kept us informed of the progress of his investigation.

When the police investigation was completed the group of lawyers who made the allegations were dissatisfied with it and representatives of that group attended at my Office to request that I complete and review these investigations. Because of the manner in which they had begun, we felt that it was incumbent upon us to accept these complaints and proceed with them, even though they pre-date proclamation of the Act. These complaints are being investigated by my staff at the present time. Extra staff and facilities have been arranged to deal with the "Hold-Up Squad complaints". A report on the Hold-Up Squad complaints will be prepared and released when completed. We expect that to be before the end of 1982.

IV

RESEARCH PROJECTS

Introduction:

Our Office is not intent solely upon processing the complaints and requests for review that come before it. Our Act also calls upon us to recommend changes in policy and procedures in order to minimize conflict between citizens and police. The main tools we will use in this efffort are research into police complaints procedures in other jurisdictions, consultation with interested groups and the gathering and analysis of statistical data on complaints within Metropolitan Toronto itself.

A comparative analysis of police complaints systems across Canada was begun in November, 1981 and continues. We are also studying systems in cities across the United States as well as the police complaints system in England. Obviously, the police community is a group which is strongly affected by the legislation and I intend to continue my efforts to consult with senior officers who are engaged in the administration of the Act, as well as officers who are "on the beat" and dealing directly with the public. This will be especially important when considering whether or not certain police practices or procedures should be altered. In addition, I will be consulting with individuals and groups in the community regularly to receive their input into improving the system.

Design of research project:

Sections 14(1)(b) and (f) of the Act impose a duty on the Public Complaints Commissioner to "monitor the handling of complaints" by the police and to "evaluate the effectiveness of the system for handling complaints" as set out in the Act. Section 27 of the Act requires the Commissioner to "prepare a report evaluating the effectiveness of this system for handling complaints during the three years of the operation of the project". This triennial report must be forwarded to the Attorney General and the council of the Municipality of Metropolitan Toronto. The Attorney General is required to submit the report to the Lieutenant Governor in Council and also lay the report before the Legislative Assembly.

The most important source of information for the preparation of our report on police complaints in Metropolitan Toronto will be the complaint forms themselves and the questionnaires that will be devised and distributed to complainants to help us evaluate this system. Our Office is fortunate to have Dr. Ann Cavoukian of the Ministry of the Attorney General, designing an extensive research project to gather and analyse data on police complaints in Toronto. Assisting her is Susan James, who joined our staff in the spring of 1982, and who is responsible for the collection and coding of the data.

V

STATISTICS ON COMPLAINTS RECEIVED DURING INFORMAL PERIOD

Introduction:

Research data and statistics on all phases of the new complaints procedure have been gathered for the complaints that came into the system from July 23 to December 20, 1981, (any complaints that came into the system on December 21 and thereafter are not included in this Interim Report).

The Metropolitan Toronto Police Force had, through the Police Complaints Investigation Bureau, gathered basic statistics on the number of complaints lodged, the types of complaints and their disposition. Their statistics indicated that the number of complaints over the past five years had been fairly steady on an annual basis - from a high of 894 complaints in 1978 to a low of 786 in 1981. Three types of complaint had been delineated in this five year period: those dealing primarily with assault by an officer, misconduct of an officer or an officer's neglect of duty. The breakdown of complaints by these three classifications was roughly: assault 43.9%, misconduct 50.0%, neglect 6.2%. The percentage of complaints against police that had been substantiated by the Chief ranged from a low of 2.6% in 1980 to a high of 3.6% in 1979.

Under our Act, as in the past, a complaint recording form is completed for every complaint lodged against the police. This complaint recording form was designed to gain the maximum amount of information from each complaint case file, such as: the date, location and police division of the occurrence; number and type of complaint; precipitating factor and injuries (if any); and extensive details on all stages of the complaint process from the day it was filed to the day of the outcome. Information relating to the time involved from one stage of the procedure to another will also be gathered in order to give our Office an indication of how efficiently the system is running. A copy of the complaint recording form is appended to this Interim Report.

Detailed study of complaints
<u>received during informal period</u>:

The statistics collected from complaint recording forms on the informal period cases (dating from July 23, 1981 to December 20, 1981) are presented and discussed below. The total number of these cases that our Office monitored was 246. Of these, 214 cases were closed (completed) at the time this report was prepared, 12 cases failed to develop (these cases include, among others, complainants who arranged meetings with our investigators and failed to attend, complainants who failed to re-contact us or who did not respond to follow-up letters and complaints that proved to be out of our jurisdiction), and the remaining 20 cases

remain open (most of the 20 open cases concern the Hold-Up Squad allegations). The statistics presented in the remainder of this Interim Report will be based upon the 214 closed cases.

i) Where complaints made:

The majority of the informal period complaints were filed with the police: 42.5% at a police station, 31.3% at the Police Complaints Bureau and 20.1% by letter to some police body (e.g., Police Commissioner, Police Complaints Bureau, Chief of Police, etc.) Thus, 94.4% of the complaints were filed with the police, while 5.1% were filed with the Office of the Public Complaints Commissioner (PCC). This finding is to be expected given the fact that the PCC had not been formally established or publicized to any great extent before proclamation. This data may be found in Table 1.

ii) Time and date of complaint incident and the complaint:

The day of the week on which the complaint incident occurred tended to lean heavily towards the week-end: Saturday accounted for almost one-quarter of all complaints - 23.9% of the complaints took place on a Saturday, while 15.1% took place on a Sunday. The two days of the week-end account for 39% of all

TABLE 1

LOCATION WHERE COMPLAINT FILED

	No.	%
Police Station	91	42.5
Police Complaints Bureau	68	31.8
Public Complaints Commissioner	11	5.1
Letter	43	20.1
Other	1	0.5
TOTAL	214	100.0

Note: When the total of the "No." column is less than 214, the difference is due to missing data where the information required for the table was not present.

complaints. Complaints occurring on a Friday resulted in 16.1% of the total. The full list of the days of the week and the respective number of complaints taking place on each day is presented in Table 2.

The days on which the complaints were actually filed, however, did not reflect the pattern of complaint occurrence. There was really very little, if any, pattern among the days on which complaints were filed, as may be seen in Table 3. This difference between occurrence date and filing date is primarily due to the fact that relatively few complaints (roughly 25%) were filed on the same day on which the complaint incident took place.

With respect to the time of day at which the complaint incident occurred, close to two-third's of the incidents leading to complaints took place between 6:00 p.m. and 3:00 a.m. The one time period that accounted for the greatest number of occurrences (23.1%) was from midnight to 3:00 a.m. The complete list of times of occurrences may be found in Table 4.

TABLE 2

DAY COMPLAINT INCIDENT OCCURRED

	No.	%
Monday	24	11.7
Tuesday	20	9.8
Wednesday	21	10.2
Thursday	27	13.2
Friday	33	16.1
Saturday	49	23.9
Sunday	31	15.1
TOTAL	205	100.0

TABLE 3

DAY COMPLAINT FILED

	No.	%
Monday	38	17.8
Tuesday	44	20.6
Wednesday	30	14.0
Thursday	29	13.6
Friday	36	16.8
Saturday	22	10.3
Sunday	15	7.0
TOTAL	214	100.0

TABLE 4

TIME OF OCCURRENCE

	No.	%
12:00 a.m. to 3:00 a.m.	42	23.1
3:00 a.m. to 6:00 a.m.	9	4.9
6:00 a.m. to 9:00 a.m.	5	2.7
9:00 a.m. to 12:00 p.m.	16	8.8
12:00 p.m. to 3:00 p.m.	11	6.0
3:00 p.m. to 6:00 p.m.	28	15.4
6:00 p.m. to 9:00 p.m.	35	19.2
9:00 p.m. to 12:00 a.m.	36	19.8
TOTAL	182	100.0

The number of days from the occurrence of the incident complained about to the date the complaint was actually filed varied considerably: 27.2% of the complaints were filed on the same day as the incident, while 20.9% were filed the next day; 11.7% were filed two to three days later. Another 12.2% of the complaints were filed four to six days after the incident. Thus, close to three-quarter's of the complaints (72%) were filed within the first week of the occurrence and 78% of the complaints were filed within two weeks. The data for number of days from date of occurrence to date of filing is presented in Table 5.

iii) Location of complaint incident:

The majority of the incidents that led to complaints against the police took place on the street - 61.3% of all complaints. The next most frequent location - 13.7% of incidents - was at a house or residence. This was followed by police buildings (8.5%) and other public buildings (7.1%). The complete list of locations of occurrences leading to complaints may be found in Table 6.

TABLE 5

NUMBER OF DAYS FROM DATE OF OCCURRENCE TO DATE OF FILING

	No.	%
Same day	56	27.2
Next day	43	20.9
2 - 3 days	24	11.7
4 - 6 days	25	12.2
8 - 14 days	12	5.9
15 - 21 days	14	6.8
22 - 30 days	9	4.5
31 - 60 days	8	4.0
61 - 90 days	7	3.5
Over 90 days	8	3.9
TOTAL	206	100.0

TABLE 6

LOCATION OF COMPLAINT OCCURRENCE

	No.	%
Street	130	61.3
Residence	29	13.7
Police Building	18	8.5
Police Vehicle	8	3.8
Public Building	15	7.1
Plaza or Mall	6	2.8
Other	6	2.8
TOTAL	212	100.0

The police division that had the highest incidence of complaints was 52 Division which accounted for 20% of all complaints. 55 Division and 32 Division each had 9.4% of the complaints. The remaining divisions tended to have roughly 5% or fewer complaints and may be found in Table 7.

The unusually high incidence of complaints arising out of 52 Division may be explained by its location in the downtown core, where there is considerably more activity, especially on week-ends and at night when most complaints occur. The high number of contacts that the officers of this Division have with the public would also contribute to a greater number of complaints out of this Division.

The police division in which the complaint incident occurred was often the same as the one in which the complainant lived, or was adjacent to the division where the complainant lived, (i.e., 52 and 53 Divisions): 45.4% of the complainants lived in the same police division as that of the occurrence; 23% lived

TABLE 7

POLICE DIVISIONS IN WHICH COMPLAINTS OCCURRED

Police Division	No.	%
Division 11	10	4.9
Division 12	4	2.0
Division 13	10	4.9
Division 14	11	5.4
Division 21	8	3.9
Division 22	6	3.0
Division 23	9	4.4
Division 31	11	5.4
Division 32	19	9.4
Division 33	12	5.9
Division 41	10	4.9
Division 42	3	1.5
Division 43	3	1.5
Division 51	11	5.4
Division 52	40	19.7
Division 53	12	5.9
Division 54	5	2.5
Division 55	19	9.4
TOTAL	203	100.0

in a division adjacent to the division of occurrence; 31.6% of the complaints did not take place in a division close to the complainant's residence.

iv) Data on complainants:

The great majority of the complainants were male - 80.7%; female complainants made up 19.3% of the total. Complainants tended to be young, with two-third's of them falling under 35 years of age (40.7% fell under 25 years). The full list of age categories of complainants may be found in Table 8.

The majority of complainants - 81% - lived in unsubsidized housing, while 10.8% lived in subsidized dwellings, mostly highrise buildings (8.8%). Most of those living in unsubsidized homes lived in single family units (54.1%). The remainder lived in highrise buildings (21%) or multiple unit buildings (5.9%). This data may be found in Table 9.

One-quarter of the complainants were allegedly intoxicated or high on drugs at the time of the incident complained of: 21.3% were alleged to be

TABLE 8

AGE OF COMPLAINANTS

	No.	%
Under 16	4	2.3
16 - 17	3	1.7
18 - 25	63	36.6
26 - 35	42	24.4
36 - 45	30	17.4
46 - 55	18	10.5
56 - 65	9	5.2
Over 65	3	1.7
TOTAL	172	100.0

TABLE 9

RESIDENCE OF COMPLAINANT

	No.	%
Unsubsidized Single Family	111	54.1
Unsubsidized Multiple	12	5.9
Unsubsidized High Rise	43	21.0
	166	81.0
Subsidized Single Family	3	1.5
Subsidized Multiple	1	0.5
Subsidized Highrise	18	8.8
Other	17	8.3
	39	19.0
TOTAL	205	100.0

drunk and 3.3% were alleged to be on drugs.

v) Types of complaints:

The most frequent complaint lodged against a police officer was assault. 50% of the complainants filed a complaint of assault - 39.3% complained of common assault, while 10.8% complained of assault bodily harm. The second most frequent complaint was that of verbal abuse/incivility with 46.7% of the complainants filing this type of complaint. The following four types of complaint also appeared with some regularity: harassment/ oppressive conduct 29.0%; irregularity in procedure 15.9%; mishandling of property 6.5% and traffic irregularity/improper exercise of discretion 6.5%. The complete list of types of complaints and the number of complainants who filed each type is presented in Table 10.

The average number of complaints per complainant was 1.7. The great majority (84.1%) had either

TABLE 10

TYPES OF COMPLAINTS

	No.	%
Assault	107	50.00
Common Assault	84	39.25
Assault Bodily	23	10.75
Verbal Abuse/Incivility	100	46.73
Harassment/oppressive conduct	62	28.97
Irregularity in Procedure	34	15.89
Mishandling or damage to property	14	6.54
Traffic Irregularity/improper exercise of discretion	14	6.54
Unlawful Arrest	7	3.27
Neglect of Duty	5	2.34
Inadequate Police Service	4	1.87
Unlawful Search	4	1.87
Officer Traffic	2	.94
Irregularity re: Evidence	2	.94
Corruption, Theft, Fraud	2	.94

NOTE: The total percentage of complaints exceeds 100% since each complainant could file more than one complaint. The numbers reported above are the number of complainants who filed each type of complaint.

one or two complaints: 47.2% of the complainants complained of only one complaint, while 36.9% complained of two. The remaining 14.5% complained of three complaints and 1.4% of four complaints.

The great majority of those complaints filed in this sample - 92.5% - were not complaints arising from racial or other slurs by police officers. The cause of the complaint, as seen by the complainant, was some form of racially derogatory comment in 6.1% of the cases and harassment by police of homosexuals in 1.4% of the cases.

vi) Precipitating factors:

The incident that had actually precipitated the complaint was also coded in the complaint recording form. The most common source of incident was a traffic violation - 35% of all complaints arose out of police officers stopping people for traffic violations. The second most frequent precipitating factor - 32.7%, was a criminal investigation of the complainant by the police (unrelated to the complaint itself). The only other factor that occurred with some frequency was an incident that occurred during

the time of arrest: 13.1% of the complaints results from the time the complainant was being placed under arrest (again, for an incident unrelated to the complaint). The full list of precipitating factors is presented in Table 11.

vii) Alleged injuries and damages:

There were no injuries complained of in roughly two-third's of the cases (63%). For the remainder, the most frequent type of injury was cuts/bruises: 32.7% of the complainants reported this type of injury; 7.7% complained of injuries or pain inflicted by handcuffs; 3.4% of the complainants reported a fracture type of injury. The full list of alleged injuries of complainants may be found in Table 12.

The severity of the injury was also recorded with respect to the 83 complainants who alleged injury: 27.4% of the injures were minor in nature (mild bruises, small lacerations - i.e., scratches); 60.3% of injuries were moderate (extensive bruising, cuts, swelling) and 12.3% of injuries were serious (very extensive bruising, fractures, severe lacerations, severe swelling, internal injuries).*

* The degree of severity of both injuries and property damage was a subjective judgment made by the researcher.

TABLE 11

FACTORS PRECIPITATING COMPLAINTS

	No.	%
Traffic Violation	75	35.0
Criminal Investigation	70	32.7
At Time of Arrest	28	13.1
During Interrogation	9	4.2
Request for Identification	6	2.8
Parking Violation	3	1.4
Domestic Matter	3	1.4
Other	13	6.1
No Apparent Precipitating Factor	7	3.3
TOTAL	214	100.0

TABLE 12

INJURIES TO COMPLAINANTS

	No.	%
Cuts/Bruises	68	32.69
Handcuff Injuries	16	7.69
Fractures	7	3.37
Genitalia Injuries	4	1.92
No Injuries	131	62.98

NOTE: The total number of injuries exceeds 100% since a complainant could have more than one injury.

The complainants attended hospitals in regard to these injuries in 43.8% of cases.

The incidence of property damage claimed by complainants was very low - 6.5% of the complaints involved allegations of property damage: 2.8% of the damage was minor in nature (damage estimated under $75 - small scratches, dents, etc.) and 3.7% of the damage was of moderate severity (damage estimated under $150 - broken window, damaged door, etc.).*

In cases of injury or property damage, no photographs were taken in the majority of cases - 73.3%. Photographs were taken by the Police Identification Unit in 20.1% of the cases and by others in 4.7% of the cases. The new investigative format under the Act requires the police to photograph any alleged injury or alleged damage at the earliest possible opportunity and, therefore, we expect this statistic to change.

viii) Dispositions of complaints:

Two-third's of the complaints (63.6%) were fully

---

* The degree of severity of both injuries and property damage was a subjective judgment made by the researcher.

investigated and formally resolved, (i.e., some decision was made on the complaint); 31.8% of the complaints were resolved informally, (i.e., to the mutual satisfaction of the parties. As indicated by Staff Superintendent Dickson before the Justice Committee in October, there was approximately a 90% informal resolution rate before the Office of the Public Complaints Commissioner was instituted).

1.9% of the complaints were withdrawn; 2.8% of the complaints were not proceeded with by the Police Complaints Bureau due to the fact that the police officers in question were charged criminally by the complainant and the charge was before the Courts.

It was our view that the investigation of a complaint should generally continue in these circumstances. Accordingly, we entered into discussions with senior representatives of the Ministry of the Attorney General. We were able to come to an agreement whereby investigations of complaints are now continued even though a criminal charge may be outstanding. There may, however, sometimes be situations where the investigation of a complaint could jeopardize an outstanding criminal charge and would, therefore, be held until the criminal charge is completed.

For those cases which were informally resolved, the great majority of the resolutions took place after a formal investigation had commenced: 85.3% were resolved informally after the formal investigation commenced compared to 14.7% that were resolved before the formal investigation had started.

For the 136 cases (63.6%) which were fully investigated, thus leading to a decision by the Chief of Police, the most common finding made by the Chief's designate (in 134 of the cases or 98.5%) was 'no action warranted'. Of the cases which were substantiated, the police officer complained of was counselled in 0.8% of the cases and a criminal charge was laid against the police officer in the remaining 0.8% of the cases.

The fact that no disciplinary action or suspension was taken by the police in 98.5% of the cases that were fully investigated may seem, at first glance, to be unreasonably high. It must, however, be remembered that in each of these 134 cases the Chief had to give written reasons for his decision to both the complainant and to this Office. The

complainant also had the right to request me to conduct a review of the Chief's decision if dissatisfied with the Chief's reasons. Fifteen complainants did so in the informal period.

It must also be pointed out that the primary reasons for a finding of 'no action warranted' is insufficient evidence to prove the allegation. This was the reason given in 62.5% or 85 of the unsubstantiated cases. These cases generally involved an allegation made by a complainant and a denial of the allegation by the officer with no evidence to support either version of the incident. This does not mean that the Chief gave more weight to the police officer's version of events or that he doubted the word or motives of either the complainant or the police officer. What it does mean is that the Chief did not take action without sufficient evidence.

Other reasons for a finding of 'no action warranted' were that the officer had acted lawfully (22.8% or 31 cases) and that the officer's position had been verified independently by other witnesses (11.8% or 16 cases). A full list of dispositions of complaints may be found in Table 13.

TABLE 13

DISPOSITION OF COMPLAINTS

	No.	%
Informal Resolution	68	31.8
Formal Resolution	136	63.6
Criminal Charge laid by complainant	6	2.8
Complaint Withdrawn	4	1.9
TOTAL	214	100.0

ix) Criminal charges against police:

Very few criminal charges were laid by complainants against police officers: 1.9% of the complainants laid charges of common assault and 0.9% laid charges of assault causing bodily harm. No criminal charge was laid in 97.2% of the cases. Of the charges that were laid, the majority (83.3%) were laid after a complaint had been filed. Only one charge of the cases studied was laid before the complaint was made.

There were no findings of guilt in the criminal trials of charges laid against police by a complainant. Charges were dropped or withdrawn by the complainant in 33.3% of the cases. A finding of "not guilty" was rendered in the remaining 66.7% of the cases.

Only one civil suit was lodged against a police officer for assault during this informal period. This civil suit is still pending.

x) Criminal charges against complainants:

During the informal period, there was

one charge of public mischief laid by police.

The circumstances of that charge were as follows:

> On May 20, 1980, the complainant was driving his automobile and hit a hydro pole. The automobile was a complete write-off. The steering wheel was smashed in.
>
> On September 21, 1981, sixteen months after the incident, the complainant made a complaint alleging that he was assaulted by a police officer and that his automobile was towed away and wrecked by the police on May 20, 1980.
>
> The investigation into the complaint showed that on May 20, 1980, the complainant at no time made any mention of the allegations concerning assault and damage to his automobile by the police. In fact, at the time of the incident the complainant said that his injuries were due to the car accident. His injuries were consistent with banging against the steering wheel at the time of the accident.
>
> In October, 1981, the complainant was charged with public mischief and he was later convicted and fined $250.

Thirty-eight charges were laid for criminal offences committed by complainants (i.e., driving charges, obstruct police, property offences, etc.). These charges were unconnected to the complaint itself. The full list of criminal charges may be found in Table 14.

TABLE 14

CRIMINAL CHARGES LAID BY THE POLICE AGAINST COMPLAINANTS

	No.	%
Driving Charge	10	4.7
Obstruct Police	6	2.8
Property Offence	8	3.7
Public Mischief	1	0.5
Intoxicated/Disorderly	4	1.9
Assault	2	0.9
Other	8	3.7
No Criminal Charge	175	81.8
TOTAL	214	100.0

The great majority of these charges (97.4% or 37 charges) were laid before a complaint had been filed by the citizen. Five of the complainants were found guilty as charged, 1 was found not guilty and 1 of the charges remains pending. The outcome for the balance of the 32 cases is unknown.

It is obvious from this brief analysis of some of the data compiled from 246 complaints made over a period barely encompassing five calendar months, that much information will be garnered from the statistical data our Office will collect each year. Our First Annual Report will be able to reflect an entire year-long period and each year's statistics will indicate trends and problem areas that will be the object of study and recommendations for change.

VI

SUMMARY AND PLANS

Summation:

Much useful information has been learned during

the informal period from July to December, 1981. This period allowed us to set up procedures, devise forms and test systems using real cases, complaints and problems as yard sticks and guides. The flow of cases in this informal period enabled me to grapple with a variety of issues that only became clear in relation to a specific citizen complaint. I feel the length of time between my appointment and proclamation of the Act was well used as a very successful "dry run" and my Office was in a position to act effectively on citizen complaints and concerns immediately upon the Act being proclaimed.

The real challenge now lies in putting lessons learned into practice and in exploring the potential that exists in this new police complaints procedure. The fact that the Police Complaints Board has now been appointed and will soon be holding public hearings into citizen complaints is another landmark achievement - not only in Toronto, but in Canada - where such a civilian board, with its powers, is unique. However, one should be careful not to judge the success of the project solely by the number of hearings that are held. The mere prospect of a public hearing has had a very beneficial effect on the manner in which complaints have been handled. An analogy may be drawn to a lawyer who issues 100 Writs of Summons during the course of a year but, proceeds to trial on only one. Clearly, that does not mean that he has not had success in the other 99 cases - sometimes the prospect of a trial accomplishes the desired effect.

Our Act provides a forum for informal resolution and mediation of disputes between a citizen and a police officer. Informal resolution is encouraged at every step throughout the process and, as Commissioner, I am empowered to mediate complaints and have done so. Several instances of mediation have already occurred and will be reported in our First Annual Report.

Future plans:

Our study of complaint systems in other jurisdictions will continue, of course, as will the extensive research project we have begun. It is also hoped that an international conference on police complaints procedures will be hosted by our Office in the fall of 1983 or spring of 1984.

At this early stage, I am happy to report that the new police complaints procedure appears to be working essentially as the legislators intended, giving the citizens of Metropolitan Toronto access to an effective and responsive police complaints system. I am encouraged by the co-operation I have received from both the public and the police. I am confident that this procedure is capable of working and I look forward to submitting my First Annual Report.

SIDNEY B. LINDEN, Q.C.,
Public Complaints Commissioner.

November, 1982.

BILL 68

1ST SESSION, 32ND LEGISLATURE, ONTARIO
30 ELIZABETH II, 1981

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

THE HON. R. MCMURTRY
Solicitor General

TORONTO
PRINTED BY ALAN GORDON, QUEEN'S PRINTER FOR ONTARIO

BILL 68

1981

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "Board" means the Police Complaints Board;

(*b*) "Bureau" means the Public Complaints Investigation Bureau;

(*c*) "chief of police" means the chief of police of the Metropolitan Police Force;

(*d*) "complaint" means a complaint by a member of the public, made orally or in writing, respecting the conduct of a police officer;

(*e*) "police officer" means a police officer on the Metropolitan Police Force;

(*f*) "prescribed" means prescribed by the regulations;

(*g*) "regulations" means the regulations made under this Act.

2. This Act applies only to complaints made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under the *Police Act* and the regulations thereunder arising out of such complaints. Application of Act

R.S.O. 1980, c. 381

Appointment of Public Complaints Commissioner

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Officers, etc.

(2) Such officers and employees as are considered necessary from time to time for the purposes of the Public Complaints Commissioner may be appointed under the *Public Service Act*.

R.S.O. 1980, c. 418

Annual report

(3) The Public Complaints Commissioner shall report annually upon the affairs of his office to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

(4) The accounts of the Public Complaints Commissioner shall be audited annualiy by the Provincial Auditor.

Board established

4.—(1) A board to be known as the Police Complaints Board is hereby established.

Chairman

(2) The Public Complaints Commissioner shall be the chairman of the Board.

Composition and appointment

(3) The Board shall be composed of the chairman and as many other members as the Lieutenant Governor in Council considers proper and such members shall be appointed by the Lieutenant Governor in Council.

Qualifications

(4) One-third of the members of the Board shall be persons who have had training in law.

Recommendation for appointment

(5) The Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association shall jointly recommend to the Solicitor General for appointment to the Board such number of persons, other than police officers, as will constitute one-third of the membership of the Board.

Idem

(6) The council of The Municipality of Metropolitan Toronto shall recommend to the Solicitor General for appointment to the Board such number of persons as will constitute one-third of the membership of the Board.

Idem

(7) Recommendations under subsections (5) and (6) shall be made to the Solicitor General within such time as he may specify.

Remuneration

(8) The members of the Board shall receive such salaries or remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

(9) The chairman shall have general supervision and direction over the conduct of the affairs of the Board and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require. Duties of chairman

(10) The Board shall prepare and publish periodically a summary of its decisions and the reasons therefor and shall report annually on its affairs to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Summaries and report

(11) The accounts of the Board shall be audited annually by the Provincial Auditor. Audit

(12) Such officers and employees as are considered necessary from time to time for the purposes of the Board may be appointed under the *Public Service Act*. Officers, etc. R.S.O. 1980, c. 418

5.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau. Bureau to be established

(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints. Staff

6.—(1) A member of the public may make a complaint at the Bureau, at any police station in Metropolitan Toronto or at the office of the Public Complaints Commissioner. Where complaints may be made

(2) The person who receives a complaint shall record the complaint in the prescribed form and shall furnish the person making the complaint with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the person making the complaint. Information

(3) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Public Complaints Commissioner a copy of the complaint. Copy of complaint

(4) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Public Complaints Commissioner a copy of the complaint. Idem

(5) Where a complaint is recorded at the office of the Public Complaints Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint. Idem

7. Upon receipt of a complaint, the person in charge of the Bureau shall inform forthwith the police officer concerned of the Police officer to be informed

substance of the complaint, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

Informal resolution

8.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the person making the complaint and the police officer concerned, may attempt to so resolve the complaint.

Record of informal resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the person making the complaint and the police officer concerned shall each signify in writing his agreement to such resolution.

Copy of record to be furnished

(3) A copy of a record made under subsection (2) shall be furnished forthwith to the Public Complaints Commissioner, the person making the complaint and the police officer concerned.

Informal resolution

(4) A complaint may be resolved informally by the person in charge of the Bureau in accordance with the procedures in this section at any time during the course of or after an investigation under section 9.

Idem

(5) A complaint may be resolved informally by the Public Complaints Commissioner in accordance with the procedures in this section at any time during the course of or after a review under section 15.

No reference in personal record of police officer

(6) No reference shall be made in the personal record of a police officer to a complaint resolved under this section, except where misconduct has been admitted by the police officer.

Investigation

9.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim reports

(2) The person in charge of the Bureau shall forward to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection (2), the person in charge of the Bureau may decide not to make a report to the person who made the complaint and the police officer concerned where, in his opinion, to do so might adversely affect the investigation of the complaint or where there are no new matters to report, in which

case the person in charge of the Bureau shall forthwith notify the Public Complaints Commissioner of the reasons for his decision.

Final report

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report to be prepared and shall forward a copy thereof to the Public Complaints Commissioner, the chief of police, the person who made the complaint and the police officer concerned.

Idem

(5) A final investigation report prepared under subsection (4) shall,

(*a*) contain a summary of the complaint and a description of the alleged misconduct by the police officer;

(*b*) contain a summary of the investigation and of information obtained from the person who made the complaint, the police officer concerned and witnesses, if any; and

(*c*) contain a description and analysis of any physical evidence obtained.

Powers and duties of chief of police

10.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he considers advisable and may, unless he decides that no action is warranted,

(*a*) cause an information alleging the commission of an offence by the police officer concerned to be laid and refer the matter to the Crown attorney for prosecution;

(*b*) refer the matter to the Board for a hearing by the Board;

(*c*) cause disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder; and

R.S.O. 1980, c. 381

(*d*) after giving the police officer concerned an opportunity to reply to the complaint, either orally or in writing, counsel or caution the police officer regarding his conduct,

but where the chief of police takes action under clause (*b*), (*c*) or (*d*), he shall not take action under any other of those clauses.

Hearing not stayed

(2) Where the chief of police causes an information to be laid under clause (1) (*a*), such action shall not stay any hearing by the chief of police or by the Board unless the chief of police or the Board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

Notice of action taken

(3) The chief of police shall give forthwith written notice of any action taken by him under subsection (1) or of his decision that no action is warranted to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned and, where his decision is that no action is warranted or he has taken action under clause (1) (*d*), the chief of police shall give his reasons therefor.

Designation by chief of police

(4) The chief of police may designate any police officer to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the designated officer.

Application of s. 19 R.S.O. 1980, c. 381

11.—(1) Where the chief of police has caused disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder, subsections 19 (4), (6), (10), (11) and (12) of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of decision

(2) The chief of police or, if he is not the person who holds a hearing referred to in subsection (1), the person who holds the hearing shall give forthwith written notice of his decision together with his reasons therefor to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned.

Police officer may appeal

12. Where a hearing referred to in subsection 11 (1) has been held and a penalty has been imposed upon a police officer, the police officer may appeal to the Board under section 13 of this Act and not as provided in the *Police Act* and the regulations thereunder.

Notice of appeal

13.—(1) A notice of appeal shall be served on the Board within fifteen days after the police officer receives notice of the penalty imposed.

Extension of time

(2) Notwithstanding subsection (1), where the chairman of the Board is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for granting an extension, he may extend the time for giving the notice either before or after the expiration of the fifteen day period referred to in subsection (1) and may give such directions as he considers proper consequent upon such extension.

Powers and duties of Public Complaints Commissioner

14.—(1) The Public Complaints Commissioner,

(*a*) shall maintain copies of all records, reports and other material received by him under this Act;

(*b*) shall monitor the handling of complaints by the Bureau and the chief of police;

(*c*) shall review the record of the informal resolution of a complaint by the person in charge of the Bureau and may request that the person in charge of the Bureau cause an investigation or further investigation, as the case may be, to be made into the complaint;

(*d*) may, upon receipt of a copy of the final investigation report from the person in charge of the Bureau, request that the chief of police cause further investigation to be made into the complaint;

(*e*) shall receive a request for a review under section 15; and

(*f*) shall evaluate the effectiveness of the system for handling complaints.

Results to be forwarded

(2) Where the person in charge of the Bureau or the chief of police causes an investigation to be made under clause (1) (*c*) or (*d*), as the case may be, he shall forward the results of his investigation to the Public Complaints Commissioner.

Public Complaints Commissioner may inquire and investigate

(3) Notwithstanding any other provision of this Act, the Public Complaints Commissioner may inquire into and investigate the allegations in the complaint,

(*a*) at any time after he receives the first interim report under subsection 9 (2) or the thirty-day period mentioned therein has expired;

(*b*) upon the request of the chief of police; or

(*c*) where there are reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of an investigation under section 9.

Review of decision

R.S.O. 1980, c. 224

(4) A decision to take action under clause (3) (*c*) shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Notice to chief of police

(5) The Public Complaints Commissioner shall forthwith notify the chief of police in writing of his intention to conduct an inquiry and investigation under clause (3) (*a*) or (*c*) and shall give his reasons therefor in writing and, after he completes any inquiry and investigation under subsection (3), he shall forward the results thereof to the chief of police, and the chief of police shall consider such results in his review of the final investigation report under subsection 10 (1).

Request for review

15.—(1) Where a person who has made a complaint is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of the Board or with action taken by the chief of police under clause 10 (1) (*d*) or with a decision of the chief of police that no action is warranted, he may request the Public Complaints Commissioner to review the matter.

Hearing may be ordered

(2) Where the Public Complaints Commissioner receives a request under subsection (1), he shall review the matter and may, after such review, order a hearing by the Board if he believes that, in the public interest, such a hearing is required or he may decide to take no further action.

Notice

(3) The Public Complaints Commissioner shall give forthwith written notice to the chief of police, the person who made the complaint and the police officer concerned of his decision under subsection (2) and, where his decision is to take no further action, shall give his reasons therefor.

Where hearing not to be ordered

(4) The Public Complaints Commissioner shall not order a hearing under subsection (2) where a police officer has appealed to the Board under section 13.

Powers on investigation

16.—(1) For the purposes of a review under section 15, the Public Complaints Commissioner may inquire into and investigate the allegations in the complaint and, for such purposes, he may, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on inquiry

R.S.O. 1980, c. 411

(2) For the purposes of an inquiry, the Public Complaints Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

Appointment of person to make inquiry and investigation

(3) The Public Complaints Commissioner may, in writing, appoint a person to make any inquiry and any investigation he is authorized to make and the person so appointed has all the powers and duties of the Public Complaints Commissioner relating to the inquiry and the investigation.

Report

(4) The person appointed to make an inquiry or investigation shall report the results of his inquiry or investigation to the Public Complaints Commissioner.

Obstruction

(5) No person shall obstruct the Public Complaints Commissioner or a person appointed by him to make an investigation or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation.

Search warrant

(6) Where a justice of the peace is satisfied upon an *ex parte* application by the Public Complaints Commissioner that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation, the justice of the peace may issue an order authorizing the Public Complaints Commissioner, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes.

Removal of books, etc

(7) The Public Complaints Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection (1) or (6) relating to the investigation and shall with reasonable dispatch make copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed.

Admissibility of copies

(8) Any copy made as provided in subsection (7) and certified to be a true copy by the Public Complaints Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

(9) The Public Complaints Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection (1) or (6).

Application

(10) This section applies with necessary modifications to an inquiry and investigation by the Public Complaints Commissioner under subsection 14 (3).

Report

17. Where, after making a review, the Public Complaints Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Solicitor General, the Ontario Police Commission, the Metropolitan Board of Commissioners of Police and the chief of police.

Conduct of hearing

18.—(1) Where,

(*a*) the chief of police has referred a matter to the Board under clause 10 (1) (*b*);

(*b*) a police officer has appealed to the Board under section 13; or

(*c*) the Public Complaints Commissioner has, under subsection 15 (2), ordered a hearing,

the Board shall hold a hearing and the Public Complaints Commissioner shall assign in accordance with this section a member or members of the Board to conduct the hearing.

Idem

(2) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by the police officer that is of a minor nature, he shall assign a member of the Board who has had training in law to sit alone to conduct the hearing.

Idem

(3) Where, in the opinion of the Public Complaints Commissioner, the complaint alleges misconduct by a police officer that is of a serious nature, he shall assign three members of the Board who shall constitute a panel to conduct the hearing.

Who shall be on panel

(4) The chairman of the panel constituted under subsection (3) shall be a member of the Board who has had training in law and, where possible, one member of the panel shall be a person appointed to the Board on the joint recommendation of the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association and one member shall be a person appointed to the Board on the recommendation of the council of The Municipality of Metropolitan Toronto.

Eligibility

(5) Where the chief of police has referred a matter to the Board or a police officer has appealed to the Board, the Public Complaints Commissioner is eligible to sit alone to conduct the hearing under subsection (2) and to be chairman of a panel constituted under subsection (3).

Idem

(6) Where the Public Complaints Commissioner has ordered a hearing by the Board, he is not eligible to sit alone to conduct the hearing under subsection (2) or to be a member of a panel constituted under subsection (3).

Public Complaints Commissioner required to sit

(7) Where a police officer has appealed to the Board and the Public Complaints Commissioner is of the opinion that the complaint alleges misconduct that is of a minor nature, he shall so advise the police officer who may by written notice given within seven days require that the Public Complaints Commissioner be the member who sits alone to conduct the hearing.

Decisions

(8) A decision of a member of the Board sitting alone and a decision of a majority of a panel is a decision of the Board and, for all purposes of a hearing, the member sitting alone or the panel, as the case may be, shall be deemed to be the Board.

Hearing

19.—(1) The Board shall appoint a time for a hearing and shall conduct a hearing *de novo*.

(2) The Board shall give to the chief of police, the person who made the complaint and the police officer concerned written notice of the hearing and of the time appointed therefor. Notice of hearing

(3) The person who made the complaint may attend at the hearing and be represented by counsel or an agent and shall be given an opportunity to be heard and to examine before the hearing the written or documentary evidence or report referred to in subsection (4). Opportunity to be heard

(4) The police officer concerned shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Opportunity to examine evidence

(5) The member or members of the Board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Member holding hearing not to communicate with party

(6) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Oral evidence

(7) The Board may appoint counsel to assist the Board at the hearing. Counsel

(8) No member of the Board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined. Release of documents

(10) Notwithstanding section 12 of the *Statutory Powers Procedure Act*, the police officer concerned shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent. Police officer not required to give evidence R.S.O. 1980, c. 484

(11) Where the person in charge of the Bureau attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the Statement or admission not admissible in evidence

police officer concerned or by the person who made the complaint shall not be admitted in evidence at the hearing, except with the consent of the police officer or the person who made the complaint, as the case may be.

Proof of misconduct

(12) No finding of misconduct by the police officer shall be made unless the misconduct is proved beyond a reasonable doubt.

Imposition of penalty

(13) Where a member of the Board sitting alone finds the police officer guilty of misconduct, he may,

(*a*) direct that days off not exceeding five days be forfeited;

(*b*) direct that pay not exceeding three days pay be forfeited; or

(*c*) reprimand the police officer.

Idem

(14) Where a panel of the Board finds the police officer guilty of misconduct, it may,

(*a*) dismiss the police officer from the Metropolitan Police Force;

(*b*) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;

(*c*) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;

(*d*) suspend the police officer from duty without pay for a period not exceeding thirty days;

(*e*) direct that days off not exceeding twenty days be forfeited;

(*f*) direct that pay not exceeding five days pay be forfeited; or

(*g*) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

Notice of decision

(15) The Board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the person who made the complaint and the police officer concerned.

(16) No reference to a hearing conducted by the Board shall be made in the personal record of the police officer concerned unless the Board has made a finding of misconduct by the police officer. No reference to hearing

(17) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a police officer in respect of a hearing conducted by the Board and an appeal under section 20. Costs may be paid

20.—(1) A party to a hearing by the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court. Appeal

(2) The Solicitor General is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Solicitor General entitled to be heard

(3) An appeal under this section may be made on a question that is not a question of fact alone or from a penalty imposed under subsection 19 (14), or on both the question and the penalty. What may be appealed

21. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode. How notice, etc., may be served

22.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except, Matters confidential

(*a*) as may be required in connection with the administration of this Act and the regulations or the *Police Act* and the regulations thereunder; R.S.O. 1980, c. 381

(*b*) as may be required for the due enforcement of the law;

(*c*) to his counsel; or

(*d*) with the consent of the person to whom the matter relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder. Testimony

What is inadmissible in evidence

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

R.S.O. 1980, c. 381

Idem

(4) No oral statement, answer or admission referred to in subsections 19 (10) and (11) is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

R.S.O. 1980, c. 325 does not apply

23. The *Ombudsman Act* does not apply to the Public Complaints Commissioner or the Board.

Moneys

24.—(1) The moneys required for the purposes of the Public Complaints Commissioner and the Board shall, until the 31st day of March, 1982, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Idem

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of the Public Complaints Commissioner and the Board.

Offence

25. Any person who contravenes subsection 16 (5) or subsection 22 (1) is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Regulations

26. The Lieutenant Governor in Council may make regulations,

(*a*) prescribing what shall be taken into account in determining whether misconduct is of a minor or serious nature;

(*b*) defining conduct that may be the subject of a complaint;

(*c*) respecting the reporting and publication of decisions of the Board;

(*d*) assigning duties to the Public Complaints Commissioner;

(*e*) prescribing criteria to be used by the Public Complaints Commissioner in evaluating the effectiveness of the system for handling complaints;

(*f*) prescribing forms and providing for their use; and

(*g*) prescribing any matter that by this Act is required to be or is referred to as prescribed.

Repeal

27.—(1) This Act is repealed on a day that is three years after it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Report

(2) The Public Complaints Commissioner shall prepare a report evaluating the effectiveness of the system for handling complaints during the three years of operation of the project and shall forward copies of the report to the Solicitor General and the council of The Municipality of Metropolitan Toronto.

Idem

(3) The Solicitor General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement

28. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. The short title of this Act is the *Metropolitan Police Force Complaints Project Act, 1981*.

BILL 68

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

1st Reading

May 15th, 1981

2nd Reading

July 3rd, 1981

3rd Reading

November 17th, 1981

THE HON. R. MCMURTRY
Solicitor General

1981

County, District or Judicial District	Place of Sittings	Commencement of Sittings
Temiskaming	Haileybury	Third Tuesday in January and February Fifth Tuesday in March Fourth Tuesday in April Third Tuesday in May and June Second Tuesday in September Third Tuesday in October Fifth Tuesday in November Second Tuesday in December
Thunder Bay	Thunder Bay	First Monday in January, February, March, April, May and June First Tuesday in September First Monday in October, November and December
Victoria	Lindsay	Third Monday in March First Monday in November
Waterloo	Kitchener	Fourth Monday of each month
Wellington	Guelph	Fourth Monday in March Third Monday in May, September and November
York	Toronto	During all months of the year except July and August
York Region	Newmarket	First Monday in April Fourth Monday in September

O. Reg. 853/81.

W. E. C. Colter
Chief Judge of the County and District Courts of
the Counties and Districts of Ontario

Dated at the City of Toronto, in The Municipality of Metropolitan Toronto, this 9th day of December, 1981.

(8701)

2

THE METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT, 1981

O. Reg. 854/81.
General.
Made—December 17th, 1981.
Filed—December 22nd, 1981.

REGULATION MADE UNDER THE METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT, 1981

GENERAL

1.—(1) A complaint shall be recorded in Form 1.

(2) The statement to be furnished under subsection 6 (2) of the Act to the person making the complaint shall be in Form 2. O. Reg. 854/81, s. 1.

2. The record of an informal resolution of a complaint shall be in Form 3. O. Reg. 854/81, s. 2.

3. An interim or final investigation report shall be in Form 4. O. Reg. 854/81, s. 3.

4. An investigation under section 9 of the Act shall be pursued quickly and diligently and the investigator shall endeavour to obtain all information that may have a bearing on the complaint. O. Reg. 854/81, s. 4.

5. All information and evidence obtained in the investigation shall be recorded and preserved. O. Reg. 854/81, s. 5.

6. The investigator shall endeavour to interview the person making the complaint and the police officer concerned and to obtain written statements from them. O. Reg. 854/81, s. 6.

7. The investigator shall endeavour to interview the witnesses named by the person making the complaint and the police officer concerned and witnesses located

as a result of the investigation and to obtain written statements from such witnesses. O. Reg. 854/81, s. 7.

8. The investigator shall endeavour to obtain photographs of all personal injuries or damage to property alleged and any other information and evidence that is relevant to the investigation and could only be preserved by way of photographs. O. Reg. 854/81, s. 8.

9. Where appropriate, the investigator shall attend at the scene of the alleged misconduct and obtain any relevant evidence. O. Reg. 854/81, s. 9.

10. The investigator shall endeavour to obtain all hospital records and medical reports related to the complaint. O. Reg. 854/81, s. 10.

11. The investigator shall make notes during or as soon as possible after completion of each investigative step and the notes shall be preserved. O. Reg. 854/81, s. 11.

12. Any information, notes or evidence, except physical evidence, that is required to be preserved under sections 5 and 11 shall be retained for a period of two years after the complaint is finally disposed of. O. Reg. 854/81, s. 12.

Form 1

METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT, 1981

COMPLAINT

DATE and TIME reported

Day | Month | Year | Time

COMPLAINANT

Surname | First Name(s) | Initial(s) | Date of Birth | Sex | Marital status

Home address | Postal Code | Telephone No. - Residence | Business address | Postal Code | Telephone No. - Business

Date of incident | Time | Location | Division

DETAILS OF INCIDENT (must be typewritten or printed)

Use reverse side if more space required

Details of injuries sustained | Photographs taken NO ☐ YES ☐

Attending Physician

Name | Address | Telephone No. | Hospital attended | Date attended

WITNESS(ES)

Name | Address | Telephone No.

Did complainant require an interpreter? YES ☐ NO ☐ Language | Interpreter's name and address | Telephone No.

OFFICER(S) INVOLVED

Name | Rank | Number | Unit | Platoon

COMPLAINT RECEIVED BY:

Name | Rank | Number | Unit

I CERTIFY THAT THE INFORMATION I HAVE GIVEN HEREIN IS TRUE

Signature of Complainant

DISTRIBUTION: Quadruplicate

WHITE: Public Complaints Investigation Bureau PINK: Unit Commander of officer(s) in allegation

O. Reg. 854/81, Form 1.

Form 2

Metropolitan Police Force Complaints Project Act, 1981

POLICE COMPLAINT PROCEDURES AND RIGHTS OF A PERSON MAKING A COMPLAINT

To The Complainant:

This statement briefly sets out the procedures that will be followed upon receipt of your complaint against a member of the Metropolitan Toronto Police Force and your rights under the *Metropolitan Police Force Complaints Project Act, 1981*.

Who Sees Your Complaint

1. No matter where your complaint is recorded a copy of the complaint will be sent to the Public Complaints Commissioner and the Public Complaints Investigation Bureau (the Bureau) of the Metropolitan Toronto Police Force.

2. The police officer concerned will be informed of the substance of the complaint unless the investigation might be adversely affected if the police officer is so informed.

Informal Resolution

3. The person in charge of the Bureau will consider whether your complaint can be resolved informally and if this is possible he will attempt to do so, but only if he has your consent and the consent of the police officer concerned.

4. No complaint can be resolved informally unless both you and the police officer concerned agree in writing to the resolution.

Investigations and Reports

5. If the complaint is not resolved informally, the Bureau will investigate the complaint. The investigator will interview you, the police officer concerned and any other witnesses.

6. You will receive a report not later than thirty days after you make your complaint and on a monthly basis thereafter unless the investigation of the complaint might be adversely affected by a report or there are no new matters to report. The Public Complaints Commissioner will also receive these reports.

7. If at any time you are not satisfied with the manner in which your complaint is being handled you may contact the Office of the Public Complaints Commissioner, telephone: 963-1141.

8. In certain situations the Public Complaints Commissioner may decide to do his own investigation before the Bureau completes its investigation.

9. When the Bureau investigation has been completed, a final report will be sent to you, the Public Complaints Commissioner, the chief of police, and the police officer concerned.

Decision of The Chief Of Police

10. The chief of police or his designate will review all investigation reports and make one of the following decisions:

    i. Order further investigation.

    ii. Decide that no further action is warranted.

    iii. Cause a charge to be laid against the police officer and refer the matter to the Crown Attorney for prosecution.

    iv. Refer the matter to the Police Complaints Board for a hearing.

    v. Cause disciplinary proceedings to be taken against the police officer under the *Police Act*.

    vi. Counsel or caution the police officer regarding his conduct.

11. You will be informed in writing of the decision made by the chief of police.

Review by Public Complaints Commissioner

12. If you are not satisfied with any of the following decisions you may request the Public Complaints Commissioner to review the matter:

    i. The decision of the chief of police that no further action is warranted.

    ii. The decision of the chief of police to counsel or caution the police officer regarding his conduct.

    iii. The decision made in a disciplinary proceeding under the *Police Act*.

13. Upon receipt of your request, the Public Complaints Commissioner will review the matter, and his staff have broad powers to investigate. Documents must be made available, and individuals can be subpoenaed to answer questions.

14. After his review, the Public Complaints Commissioner may order a hearing before

the Police Complaints Board where he feels that the public interest requires it. If he decides that there should not be a hearing, he will give you his reasons. The Public Complaints Commissioner will write to you, the chief of police and the police officer concerned about his decision.

Police Complaints Board Hearing

15. If a Police Complaints Board hearing is ordered, you will be notified in writing of the date and place of the hearing. You have a right to attend and take part in the hearing and to be represented by counsel or an agent. You will also be given an opportunity, prior to the hearing, to examine any written or documentary evidence or any report that will be given in evidence at the hearing. The hearing will be open to the public. You will receive a copy of the Board's decision.

O. Reg. 854/81, Form 2.

Form 3

Metropolitan Police Force Complaints Project Act, 1981

RECORD OF INFORMAL RESOLUTION OF COMPLAINT

Date of Complaint: .....

File No.: .....

Complainant: .....

Name(s) Of Officer(s) Concerned: .....

.....

.....

Resolved By: .....

Summary Of Complaint And Investigation: .....

.....

.....

.....

.....

Manner In Which Complaint Resolved: .....

.....

.....

.....

.....

.....

I have read the record of informal resolution as described above.

I agree with the contents and am satisfied with the resolution.

Dated at , this day of , 19

1904

Witnessed By:

....
signature of complainant

....
signature of officer concerned

O. Reg. 854/81, Form 3.

Form 4

Metropolitan Police Force Complaints Project Act, 1981

REPORT

1. File No.: .....

2. Date of Report: .....

3. Type Of Report: ☐ Interim ☐ Final

4. Name Of Complainant: .....

5. Name(s) Of Police Officer(s) Involved (Include Rank and No.) .....

.....

6. Name of Investigator: .....

SUMMARY OF COMPLAINT

7. Date, Time And Location .....

.....

8. Description Of Alleged Misconduct .....

.....

.....

.....

9. INVESTIGATION

Date	Location	Type of Investigation and Information Obtained

10. Summaries Of Statements Of Complainant, Police Officer(s) And Witnesses.

Person Interviewed	Summary Of Statement (include all relevant details)

11. Description And Analysis Of Documentary And Physical Evidence Obtained.

Type of Evidence	Description	Analysis

Dated at , this day of , 19....

.....
signature of investigator

Distribution. Complainant

Police Officer(s) Involved

Office Of The Public Complaints Commissioner

File

(8702) O. Reg. 854/81, Form 4.

2

THE MILK ACT

O. Reg. 855/81.
Cream Producers—Licences
Made—December 21st, 1981.
Filed—December 22nd, 1981.

REGULATION TO AMEND REGULATION 619 OF REVISED REGULATIONS OF ONTARIO, 1980 MADE UNDER THE MILK ACT

1. Subsection 4 (1) of Regulation 619 of Revised Regulations of Ontario, 1980 is revoked and the following substituted therefor:

(1) Every producer shall pay licence fees at the rate of 10 cents for each kilogram or fraction thereof of milk-fat in cream delivered to a plant. O. Reg. 855/81, s. 1.

2. This Regulation comes into force on the 1st day of January, 1982.

THE ONTARIO CREAM PRODUCERS' MARKETING BOARD:

MURRAY SMELTZER
Chairman

JOHN BILYEA
Secretary

Dated at Toronto, this 21st day of December, 1981.

(8703) 2

contact contact contact

the Public Complaints Commissioner

A civilian service set up
to resolve disputes between
You and Your Police.

Sidney B. Linden, Q.C.
Public Complaints
Commissioner

During the course of this pilot project I am hopeful that I will be able to count on the support of the citizens of Metropolitan Toronto, the Metropolitan Police Force and the Metropolitan Toronto Police Association.

I am confident that the expressions of goodwill received since my appointment as Public Complaints Commissioner will continue to provide a foundation for an atmosphere of co-operation and mutual respect that will ensure the success of this unique experiment.

Sincerely,

SIDNEY B. LINDEN, Q.C.
PUBLIC COMPLAINTS COMMISSIONER

PUBLIC COMPLAINTS COMMISSIONER

Mr. Linden is a native of Toronto who, until his appointment as Public Complaints Commissioner, was a prominent member of the criminal bar and a well-known labour arbitrator. He was General Counsel to the Canadian Civil Liberties Association and served on its Board of Directors. He was Vice-President of the Criminal Lawyers Association and also active on the Legal Aid Committee of the Law Society of Upper Canada.

Questions & Answers about police complaints in Metropolitan Toronto

New procedures are now in place for handling complaints from members of the public against police officers on the Metropolitan Toronto Police Force. This new system is a marked departure from the previous one where the police alone were responsible for these matters.

A citizen can now lodge a grievance directly with an independent civilian who is not connected with the police in any way. This person, the Public Complaints Commissioner, has the power to do his own investigation, completely separate from that conducted by the police. He is responsible for making sure that all complaints concerning allegations of misconduct are dealt with promptly and fairly.

As well, he may order a public hearing by the newly-established Police Complaints Board. The members of this Board are also independent civilians.

The Public Complaints Commissioner is in a position to identify those police practices or procedures which may be particularly productive of citizen complaints and he can recommend that appropriate changes are made to remedy these situations.

To assist the public, the Office of the Public Complaints Commissioner has assembled answers to the following common questions often put to it about the Metropolitan Police Force Complaints Project Act, 1981.

Question

Where do I make a complaint about the conduct of a police officer on the Metropolitan Toronto Police Force?

Answer

You may make your complaint at any one of the following locations:

a) the Office of the Public Complaints Commissioner, 157 Bloor Street West, Toronto, Ontario M5S 1P7, telephone: 963-1141.

b) the Metropolitan Toronto Police Public Complaints Investigation Bureau, 3080 Yonge Street, Toronto, Ontario M4N 3N1, telephone: 967-2367.

c) any police station in Metropolitan Toronto (telephone 967-2222 for the station closest to you).

Question

When does the Public Complaints Commissioner become involved with my complaint?

Answer

IMMEDIATELY. No matter where you make your complaint, a copy is sent to the Office of the Public Complaints Commissioner. He monitors the investigation from the start.

Question

Who will investigate my complaint?

Answer

Initially, your complaint will be investigated by a police officer from the Public Complaints Investigation Bureau of the Metropolitan Toronto Police Force. The Bureau is a separate unit within the Force.

If it is possible for your complaint to be resolved informally, the officer in charge of the Bureau may attempt to do so, but only if you and the police officer involved agree.

Question

Can the Office of the Public Complaints Commissioner investigate my complaint?

Answer

YES. The Public Complaints Commissioner can conduct his own civilian investigation 30 days after you make your complaint. In some situations, the Public Complaints Commissioner can start his own investigation immediately.

Question

When do I find out about the status of my complaint?

Answer

In general, within 30 days of making a complaint, you will receive an interim report on the investigation done up to that time. You will also receive further reports during the course of the investigation and a final report when it is completed. All of these reports are in writing.

Question

What happens after the final investigation report is made?

Answer

The Chief of Police will review the matter, decide what action, if any, is to be taken, and give written notice of his decision to you, the Public Complaints Commissioner, and the police officer concerned.

Question

What if I am not satisfied with the decision made by the Chief of Police?

Answer

You may ask the Public Complaints Commissioner to conduct a review. He may order that a public hearing be held by the Police Complaints Board, if he believes that it is in the public interest to hold such a hearing.

Question

What is the Police Complaints Board?

Answer

The Police Complaints Board is a group of civilians specifically appointed to conduct hearings into citizens' complaints about the conduct of police officers on the Metropolitan Toronto Police Force. The Public Complaints Commissioner is the Chairman of the Board and he assigns members of the Board to conduct these hearings.

Question

Do I have the right to attend the Police Complaints Board hearing and take part in it?

Answer

YES. You will be notified in writing of the date of the hearing. A lawyer will present the case to the Board but you may choose to be represented by your own lawyer or an agent. You will also be given a chance, before the hearing, to examine any written evidence or any report that will be given in evidence at the hearing.

Question

If the Police Complaints Board finds that the police officer is guilty of misconduct, what penalties can it impose?

Answer

The penalties that can be imposed by the Police Complaints Board depend on the nature of the misconduct. The maximum penalty that the Board can impose is dismissal of the police officer from the Metropolitan Toronto Police Force.

Question

What if I want to complain about a police officer who does not belong to the Metropolitan Toronto Police Force?

Answer

Consult a member of the police force concerned, the local board of commissioners of police or the local municipal council. You may also contact the Ontario Police Commission, 25 Grosvenor Street, Toronto, Ontario M4A 2G9, telephone: 965-6071.

Question

What if I want to charge a police officer with a criminal offence or sue the police officer in the civil courts?

Answer

Your right to take either of these alternatives is not affected by this new complaints procedure.

You may charge a police officer with a criminal offence by attending at the office of a Justice of the Peace. For the office nearest you, telephone 965-7541.

If you want to sue a police officer, you should contact a lawyer.

All civil suits and some criminal charges must be started within six months of the date the incident occurred.

Question

Where can I get more information about the Metropolitan Police Force Complaints Project Act?

Answer

You can obtain a copy of the Act from the Ontario Government Bookstore, 880 Bay Street, Toronto, Ontario, telephone: 965-2054.

As well, you can telephone the Office of the Public Complaints Commissioner at 963-1141.

If you make a complaint, you will be given a document that sets out the procedures that are followed and your rights under the Act.

The Metropolitan Police Force Complaints Project Act, 1981, was proclaimed December 21, 1981. The project is funded by the Ontario Ministry of the Attorney General and the Municipality of Metropolitan Toronto.

The Office of the Public Complaints Commissioner

157 Bloor Street West, Toronto, Ontario M5S 1P7
Telephone: 963-1141

Help us make it work.

If you have a complaint against the Metropolitan Toronto Police Force a new, independent service is available to help you. This service, headed by a civilian commissioner, is designed to resolve disputes between the police and the public they serve and protect.

Under the new law, passed by the Ontario Legislature, you can:

- Lodge a complaint directly with the office of the Public Complaints Commissioner.
- Get a written interim report on the status of the complaint if it is not resolved within thirty days.
- Get a final written report at the conclusion of the investigation.

The commissioner may direct a completely independent investigation into your case. If the commissioner considers it in the public interest, he may order a full public hearing before a civilian review board.

R. Roy McMurtry
Attorney General

Paul Godfrey
Metropolitan Toronto
Chairman

The Commissioner

He's Sidney Linden, Q.C., former general counsel to the Canadian Civil Liberties Association and Vice-President of the Criminal Lawyers Association and a citizen with a strong social conscience. He is the newly appointed independent Public Complaints Commissioner and his responsibility is to review all complaints against the police.

"I have the highest regard for him as a civil libertarian and for his appointment...He is a most credible person and an excellent lawyer. – Dr. Dan Hill, Special Adviser to the Mayor's Committee on Race and Community Relations, Toronto.

"I for one, have great confidence in Mr. Linden." – Alan Borovoy, Canadian Civil Liberties Association.

"...His reputation is excellent and completely acceptable." – Robert Nixon, Liberal M.P.P. and former Opposition Leader.

"The Council feels that Mr. Linden is a very capable criminal lawyer and will discharge his responsibilities with great awareness and with fair dealing." – Multicultural Council in Greater Toronto.

The system is set up to work for you. You have a personal contact. The essential ingredient is you. Help us make it work. For information please call 963-1141.

POOR

QUALITY

ORIGINAL